

BEFORE THE SOUTH CAROLINA BOARD OF EDUCATION

In the Matter of the)	
)	
Suspension of the Educator)	ORDER OF SUSPENSION
)	
Certificate of Bernethio M. Livingston)	
)	
Certificate # 196617)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 9, 2004. On November 26, 2003 the State Department of Education (Department) sent Ms. Bernethio Livingston a notice of her right to a due process hearing regarding the possible suspension of her South Carolina educator certificate (certificate) by certified mail, return receipt requested delivery restricted to addressee and regular mail. The Department has no proof that Ms. Livingston received the initial notice. On May 18, 2004, an employee of Williamsburg County School District personally served Ms. Livingston with a copy of the notice. She did not request a hearing and is now in default. After considering the evidence presented by the Department, the State Board voted to suspend Ms. Livingston's certificate until she repays her outstanding loan with the State of South Carolina obtained through the Center for Teacher Education, Recruitment, Retention and Advancement (CERRA).

FINDINGS OF FACT

Ms. Livingston holds a valid certificate, with over seven years of teaching experience. She was under contract with the Williamsburg County School District (District) for the 2003-2004 school year. On November 1, 2001, Ms. Livingston signed a promissory note with the State of South Carolina to obtain a loan of \$2300 to pay for the costs of applying for certification from the National Board for Professional Teaching Standards (NBPTS). One of the terms of that

agreement was that Ms. Livingston agreed to pay a \$300 non-refundable application fee if she withdrew from the application process prior to the submission of the required portfolio to NBPTS. Ms. Livingston did withdraw prior to that date and has not repaid the \$300. CERRA and the State Department of Education sent several letters notifying Ms. Livingston of her failure to comply with the terms of the loan agreement.

CONCLUSIONS OF LAW

The State Board may suspend the certificate of any person for unprofessional conduct. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Regs. 43-58 (1992). The State Board finds that there is substantial evidence supporting its decision to suspend Ms. Livingston's certificate # 196617 from the date of this Order until she has satisfied her financial obligation in the amount of \$300 to the State of South Carolina as established in the loan agreement referenced above. At the end of the suspension period if Ms. Livingston wants her certificate reinstated, she may make a written request for reinstatement to the Office of Teacher Certification of the Department.

South Carolina State Board of Education

By: /S/ Mary E. Jones

Dr. Mary E. Jones

Chair

Columbia, South Carolina
June 9, 2004